

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
MACON DIVISION

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RICHARD E. COLE,

*Plaintiff,*

v.

Sheriff DAVID DAVIS,

*Defendant.*

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CIVIL ACTION NO.

5:20-cv-136-TES-CHW

ORDER

Plaintiff Richard E. Cole, a pretrial detainee at the Bibb County Law Enforcement Center in Macon, Georgia filed a 42 U.S.C. § 1983 action and moved to proceed *in forma pauperis*. [Doc. 1]; [Doc. 2]; [Doc. 7]. On June 30, 2020, the Court granted Plaintiff's motion to proceed *in forma pauperis* and ordered him to pay an initial partial filing fee in the amount of \$36.14. [Doc. 8]. Plaintiff failed to pay this amount or otherwise respond to the Order. On July 28, 2020, the Court ordered Plaintiff to show cause why his case should not be dismissed for failure to prosecute or comply with the Court's June 30, 2020 Order. [Doc. 9]. Plaintiff has not paid the initial partial filing fee as ordered by the Court or otherwise responded to the July 28, 2020 Order to show cause.

Due to Plaintiff's failure to follow the Court's Orders and prosecute this action, the case is hereby **DISMISSED WITHOUT PREJUDICE**. Fed. R. Civ. P. 41(b); *Brown v. Tallahassee Police Dep't*, 205 F. App'x 802, 802 (11th Cir. 2006) (per curiam) (first citing

Fed. R. Civ. P. 41(b) and then citing *Lopez v. Aransas Cty. Indep. Sch. Dist.*, 570 F.2d 541, 544 (5th Cir. 1978)) (“The court may dismiss an action *sua sponte* under Rule 41(b) for failure to prosecute or failure to obey a court order.”).

**SO ORDERED**, this 18th day of August, 2020.

S/Tilman E. Self, III

**TILMAN E. SELF, III, JUDGE**  
**UNITED STATES DISTRICT COURT**